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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/627,015      | 07/25/2003  | Andreas Seidel       | PO-7817/LeA 36,083  | 3717             |

157 7590 07/07/2005

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| EXAMINER |
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SZEKELY, PETER A

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| ART UNIT | PAPER NUMBER |
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1714

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/627,015

Applicant(s)

SEIDEL ET AL.

Examiner

Peter Szekely

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/25/03, 11/28/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18, 20 and 21 are rejected under 35 U.S.C. 102(b or e) as being anticipated by Nanba et al. 6,117,542, Tagaki 6,335,767, Kobayashi 6,403,683, Janarthanan et al. 6,503,628, Toyoshima et al. 6,596,812 or Campbell et al. 6,613,824.

3. Nanba et al. disclose polycarbonate and ABS in claim 4, fluoresin in claim 1, oligomeric phosphate flame retardant in claim 8 and formula 7 in column 23, concentrations in claim 10, polycarbonate m.w. in column 29, lines 20-22, AS molecular weight, ABS and its composition in column 30, lines 22-50, AAS in column 9, lines 31-32 and column 10, lines 25-60 and bulk polymerization in column 11, lines 10-14. Takagi teaches polycarbonate and ABS in claim 1, fillers in claim 2, its composition in claim 10, polycarbonate m.w. in column 8, lines 8-12, A-S m.w. in column 9, lines 15-49, oligomeric phosphates in column 13, lines 1-7, concentrations in column 13, lines 50-54, acrylic copolymer from column 13, line 63, to column 14, line 23, PTFE from column 14, line 56, to column 15, line 20 and bulk polymerized ABS composition from column 17, line 53, to column 18, line 59. See also column 19, lines 1-67. Kobayashi recites polycarbonate, flame retardant, styrenic resin, filler and PTFE in claim 1, ABS in claims 6-8, phosphates in claim 9, acrylic copolymer in claim 16, polycarbonate m.w. in column

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3, lines 35-42, ABS composition in column 6, lines 14-53, filler particle sizes in column 8, lines 26-65 and A-S m.w in Reference Examples 4 and 7. Janarthanan et al. display polycarbonate with its m.w., acrylic copolymer in claim 1, m.w.-s and ABS composition in column 8, lines 35-58. Toyoshima et al. reveal polycarbonate, acrylic copolymer and ABS with A-S m.w. in claims 1-9. For ABS compositions see the Tables, for bulk polymerization see column 5, lines 55-56. Campbell et al. relate polycarbonate, acrylic copolymer, ABS, phosphate flame retardant and PTFE in claim 1, rubbers in claim 11-12, phosphates in claims 13-15, PTFE in claims 17-20, polycarbonate m.w. in column 4, lines 47-65 and column 5, lines 18-19, ABS composition and A-S m.w. in column 14, lines 45-59 and acrylic core-shell polymer in the paragraph overlapping columns 12 and 13. Applicants' claims are not novel.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanba et al. 6,117,542, Tagaki 6,335,767, Kobayashi 6,403,683, Janarthanan et al. 6,503,628, Toyoshima et al. 6,596,812 or Campbell et al. 6,613,824, in view of Bodiger et al. 5,849,827.

7. The primary references have been discussed already. Bodiger et al. divulge polycarbonate and mineral nanoparticles in claim 1, ABS in claim 17, phosphates in claims 19-20 and acrylic copolymer in claims 12-13. It would have been obvious to one having ordinary skill in the art; at the time the invention was made, to add the small particle size filler of Bodiger et al., to the compositions of the primary references, in order to improve the flame retardance.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Peter Szekely  
Primary Examiner  
Art Unit 1714

P.S.  
6/30/05